

TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 6. DIVISION OF LABOR STANDARDS ENFORCEMENT

ADDING SUBCHAPTER 13: JANITORIAL REGISTRATION AND TRAINING
ADDING ARTICLE 6

ADOPTING SECTIONS 13820 THROUGH 13822, INCLUSIVE, REGULATING SEXUAL
VIOLENCE AND HARASSMENT PREVENTION TRAINING FOR
PROPERTY SERVICE WORKERS

Article 6. Sexual Violence and Harassment Prevention Training for
Property Service Workers

§ 13820. Definitions.

For purposes of this Subchapter:

- (a) “Covered worker” as defined in Labor Code section 1420(a) includes full time, part time, and temporary janitorial workers.
- (b) “Employer” has the same meaning as in Labor Code section 1420(e).
- (c) “Training” means in-person, interactive instruction, provided to nonsupervisory covered workers and supervisors of nonsupervisory covered workers by a trainer. Audio, video, webinar and e-learning training methods may be used as supplemental tools in conjunction with in-person instruction but cannot solely fulfill the requirements of this subchapter. Interactive instruction shall include questions that assess learning, skill-building activities that assess the trainee’s application and understanding of content learned, and hypothetical scenarios about sexual violence and harassment, each with one or more discussion questions.

Examples of in-person interactive instruction include pre- or post-training quizzes or tests, small group discussion questions, discussion questions that accompany hypothetical fact scenarios, use of brief scenarios discussed in small groups or by the entire group, or any other learning activity geared towards ensuring interactive participation as well as the ability to apply what is learned to the trainee’s work environment.

- (d) “Supervisor” has the same meaning as in Labor Code section 1420(g).
- (e) “Trainers” for purposes of providing training to supervisors of nonsupervisory covered workers has the same meaning as individuals who are qualified to provide training under Government Code section 12950.1 and regulations implementing section 12950.1.
- (f) “Trainers” for purposes of providing training to nonsupervisory covered workers means a qualified peer trainer provided by a qualified organization listed on the website of the Department of Industrial Relations. Until such website list of qualified organizations is made

available, “trainers” for purposes of providing training to nonsupervisory workers has the same meaning as “trainers” in subdivision (e). After the website list is posted and consistent with Labor Code section 1429.5(k), if the website list of qualified organizations that provide peer trainers to employers required to provide training to nonsupervisors indicates there is no qualified peer trainer available to provide training in a specific county, or if none of the qualified trainers are available to meet an employer’s training needs, an employer may use a trainer as described in subdivision (e) of this section to provide training to nonsupervisory covered workers working in that specific county.

Note: Authority: Section 1422, Labor Code. Reference: Sections 1420, 1429 and 1429.5, Labor Code.

§ 13821. Standards Regarding Timing, Documentation, and Languages for Training.

(a) Frequency of Training. An employer shall ensure that at least two hours of training are provided to nonsupervisory covered workers and their supervisors in identifying, preventing, and reporting sexual violence and harassment in the workplace, at least once every two years. New nonsupervisory covered workers and supervisors of nonsupervisory covered workers shall be trained within six (6) months of assuming their position. The burden of establishing that the training was provided as required shall be on the employer, including where the employer has ensured that the training was provided by another entity or janitorial employer.

(1) For purposes of complying with the frequency requirement for training under this article, a “covered successor employer” that retains the same workforce as a predecessor employer for at least one hundred and twenty (120) days and maintains a supervisor’s or nonsupervisory covered worker’s: (A) original seniority date with the predecessor employer; and (B) wage rate equal to or greater than that provided by the predecessor employer, may use the retained supervisor’s or nonsupervisory covered worker’s last documented date of required training to determine the date when they must receive their next biennial training and must provide them a copy of the successor employer’s sexual harassment policy and reporting procedures.

(b) Documentation of Training. To track compliance, an employer shall maintain a record of the training that has been provided as required under this section, including, but not limited to, the names of the nonsupervisory covered workers and supervisors trained, the date of training, a sign-in sheet containing the printed written name as well as the signature of each participant both at the commencement and at the completion of the training, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, the name of the training provider, and a signed form (Sexual Violence and Harassment Prevention Training for Property Service Workers Employer Compliance Form DLSE 800, 11/19), which is hereby incorporated by reference, certifying that the training was provided and that the qualified organization that provided a peer trainer to train nonsupervisory covered workers was paid in full for each participant. The employer shall maintain these records for a minimum of three years and shall make them available, upon request, to the Labor Commissioner.

(1) Upon a trainee's request, the employer must provide a copy of the training materials presented to the trainee and a copy of any certificate of attendance or completion issued to trainee.

(c) Duration of Training. The training required by this section does not need to be completed in two (2) consecutive hours. The minimum duration of a training segment shall be no less than one (1) hour.

(d) Training required by this section shall be provided in the language and literacy level understood by the nonsupervisory covered worker and supervisor.

Note: Authority: Section 1422, Labor Code. Reference: Sections 1429 and 1429.5, Labor Code.

§ 13822. Objectives and Content.

(a) An employer shall ensure that the content of the training on the prevention of sexual violence and harassment for all nonsupervisory covered workers and their supervisors is the training content developed by the Labor Occupational Health Program (LOHP) under the direction of the director of the Department of Industrial Relations, or as amended in the future by the director of the Department of Industrial Relations.

(b) The above-referenced training content will be available on the website of the Department of Industrial Relations, Division of Labor Standards Enforcement. The training content developed by LOHP under the direction of the director, or as amended in the future by the director, shall include, at a minimum, the content-based training requirements in Government Code section 12950.1 and regulations implementing section 12950.1. In addition, the training shall include identification of local, state, and national resources for victims of sexual violence and harassment, including hotlines and helplines for survivors, community-based resources such as rape crisis centers, counseling services and mental health supports, and agencies or organizations to whom they may report sexual violence and harassment.

Note: Authority: Section 1422, Labor Code. Reference: Sections 1429 and 1429.5, Labor Code.

ADOPT:

Sexual Violence and Harassment Prevention Training for Property Service Workers Employer Compliance Form

THIS CERTIFIES THAT

Name of Employer

PROVIDED TRAINING IN SEXUAL VIOLENCE & HARASSMENT PREVENTION
THROUGH THE FOLLOWING QUALIFIED ORGANIZATION'S PEER TRAINER
AND THAT THE QUALIFIED ORGANIZATION WAS PAID IN FULL FOR EACH PARTICIPANT TRAINED

Date of Training

Number of Participants Trained

Name of Peer Trainer

Signature of Peer Trainer

Name of Qualified Organization

Signature of Qualified Organization

Title of Qualified Organization Signatory

Date of Signature of Qualified Organization

Signature of Employer

Title of Employer Signatory

Date of Employer Signature

This form is to be used by employers who provide sexual violence and harassment prevention training for nonsupervisory workers as required under Cal. Lab. Code § 1429.5 and Cal. Code of Regs., Tit. 8 §§ 13820 et seq. This form must be produced to the Labor Commissioner upon request.